

CHAPTER 26 REAL ESTATE LICENSES

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2600 REAL ESTATE COMMISSION

- 2600.1 This chapter is adopted by the District of Columbia Real Estate Commission pursuant to its authority under the Real Estate Licensure Act of 1982 and Mayor's Order 83-198. The purpose is to protect the public against incompetence, fraud and deception in real estate transactions.
- 2600.2 The Real Estate Commission of the District of Columbia (hereinafter referred to as the "Commission") is hereby established and shall be located within the Department of Consumer and Regulatory Affairs.
- 2600.3 The Commission shall adopt a seal with the design as the Commission may prescribe engraved thereon, by which it shall authenticate its proceeding.
- 2600.4 Copies of all records and papers in the Office of the Commission, duly certified and authenticated by the seal of the Commission shall be received in evidence in all courts equally and with like effect as the original.
- 2600.5 All records kept in the Office of the Commission under authority of this section shall be open to public inspection pursuant to the D.C. Freedom of Information Act.
- 2600.6 The Commission shall meet at least twice a month in public session. Reasonable public notice of agenda, time, and place of business meeting shall be given. The

public shall be given the right to appear and be heard before the Commission on subjects within its jurisdiction.

2600.7 The Chairperson shall have authority to sign all official documents issued on behalf of the Commission, after approval by the Commission.

2600.8 Four (4) members of the Commission shall constitute a quorum.

AUTHORITY: Unless otherwise noted, the authority for this chapter is the Real Estate Licensure Act of 1982, D.C. Law 4-209, D.C. Code §45-1921 *et seq.* (1981), and Mayor's Order 83-123, issued May 6, 1983, 30 DCR 3040 (June 17, 1983).

SOURCE: Final Rulemaking published at published at 31 DCR 757 (February 24, 1984).

2601 APPLICATIONS FOR BROKER LICENSE

2601.1 Every applicant for a license shall apply for the license in writing upon an application prescribed and provided by the Commission.

2601.2 The proper fees and all required documents as directed shall accompany the application at the time of filing. Each such application shall be sworn to or affirmed before a notary public.

2601.3 Except as provided in §8(e) of the Act, all applicants for licensure as a real estate or business chance broker shall furnish at the time of filing an application, evidence of having satisfactorily completed approved course(s) pursuant to §2606.

2601.4 Section 2601.3 shall not apply until six (6) months from February 24, 1984.

2601.5 Except as provided in §8(e) of the Act applicants for licensure shall furnish at the time of filing an application evidence of having satisfactorily completed an examination, the type and form to be determined by the Commission.

2601.6 Within six (6) months of having successfully passed the required examination, the applicant shall pay the prescribed fee and comply with the filing requirements. Failure to comply with the requirements of this subsection shall require reexamination.

2601.7 Pursuant to §8(b) and (c) of the Act, the Commission shall accept the following as proof of two (2) years equivalent experience:

(a) Certification by a licensed broker; or

(b) Certification by the real estate commission in which applicant is licensed.

2601.8 Alternative to the requirement of §2601.7, an applicant for a real estate broker's license shall be deemed to have equivalent experience if the applicant complies with the following requirements:

(a) Has been both licensed and actively engaged in business as real estate broker or sales person in the District or elsewhere for at least one (1) year immediately preceding the date on which the application for real estate broker's license is filed; and

- (b) For each day less than two (2) years immediately preceding filing that the applicant has been licensed and actively engaged as a real estate broker or salesperson in the District or elsewhere, the applicant furnishes documentary proof that he or she has had three (3) days of experience in the activities of buying, selling, leasing, management, or financing of real estate in the District or elsewhere, which activities did not require licensure in the jurisdiction in which the activities were performed.

2601.9 The Commission shall accept applications for associate broker licenses.

SOURCE: Final Rulemaking published at published at 31 DCR 757, 758 (February 24, 1984), as amended by Final Rulemaking published at 32 DCR 4859 (August 23, 1985).

2602 APPLICATION FOR SALESPERSON LICENSE

2602.1 Every applicant for a license shall apply for a salesperson license in writing upon an application prescribed and provided by the Commission.

2602.2 The proper fees and all required documents shall accompany the application at the time of filing. Each application shall be sworn to or affirmed before a notary public.

2602.3 Except as provided in §8(e) of the Act, each applicant for licensure as a real estate or business chance salesperson shall furnish at the time of filing an application, evidence of having satisfactorily completed a course of instruction in Real Estate Principles and Practice. The course shall consist of a minimum of forty-five (45) clock hours and shall include but not be limited to the following subject areas:

- (a) Principles of Real Property;
- (b) Landlord-Tenant Relationship;
- (c) Real Estate Contracts;
- (d) Rules of Agency and Listings;
- (e) Transfer of Title to Real Property;
- (f) Title Insurance and Settlements;
- (g) Fundamentals of Appraising;
- (h) Real Estate Financing;
- (i) D.C. Real Estate Licensing Law and Regulation;
- (j) Code of Ethics; and
- (k) Laws and Practices of Human Rights and Community Relations.

2602.4 Subsection 2602.3 shall not apply until August 24, 1984.

2602.5 Except as provided in §8(e) of the Act, applicants for licensure shall furnish at the time of filing an application evidence of having satisfactorily completed an examination, the type and form to be determined by the Commission.

- 2602.6 Within six (6) months of having successfully passed the required examination, the applicant shall pay the prescribed fee and comply with the filing requirements. Failure to comply with the requirements of this subsection shall require reexamination.

SOURCE: Final Rulemaking published at published at 31 DCR 757, 759 (February 24, 1984).

2603 LICENSURE OF PROPERTY MANAGERS

- 2603.1 An applicant for licensure as a property manager shall do the following:
- (a) Submit a completed application on a prescribed form;
 - (b) Have the application sworn to or affirmed before a notary public;
 - (c) Pay the required application fee; and
 - (d) Furnish evidence of having satisfactorily completed an examination approved by the Commission, unless the Commission waives the examination pursuant to §2603.2.
- 2603.2 If, within ninety (90) days of the effective date of this section, the applicant submits proof to the Commission that the applicant has been engaged in the practice of property management in the District of Columbia for four (4) years immediately preceding the application, the Commission shall waive the examination requirement of §2602.2(e) pursuant to §11a of the Act, D.C. Code §45-1930.1 (1986 Repl. Vol.). The required proof shall consist of one (1) of the following:
- (a) An affidavit on a form prescribed by the Commission by the owner or owners or representatives of the owner(s) of the property or properties managed by the applicant; or
 - (b) An affidavit on a form prescribed by the Commission by one or more real estate brokers who supervised the applicant during this period.
- 2603.3 An applicant for a property manager's license who has passed the required examination shall submit an application for a license to the Commission with the required fees within six (6) months of passing such examination. An applicant who fails to comply with the requirements of this subsection shall be required to retake the examination.
- 2603.4 Except as provided by §§2603.5 to 2603.7, an applicant for renewal of a property manager's license shall submit proof pursuant to §2603.8 that the applicant completed no less than twelve (12) hours of acceptable continuing education credit during the two (2) year period preceding the date the license expires, of which at least three (3) hours of such credit concerns equal opportunity in housing.
- 2603.5 The requirements of §2603.4 shall not apply to an applicant for renewal of a property manager's license whose application is received by the Commission before February 28, 1989.
- 2603.6 The requirements of §2603.4 shall not apply to an applicant seeking the first renewal of a property manager's license granted by examination.

2603.7 An applicant seeking the first renewal of a property manager's license granted by waiver of examination shall submit proof pursuant to §2603.8 that the applicant completed no less than six (6) hours of acceptable continuing education credit during the two (2) year period preceding the date the license expires.

2603.8 An applicant shall demonstrate completion of required continuing education by submitting, with respect to each continuing education program for which credit is claimed, the following information:

- (a) The name and address of the sponsor of the program;
- (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
- (c) The dates on which the applicant attended the program;
- (d) The hours of credit claimed; and
- (e) Verification, by the sponsor, of completion by signature or stamp.

2603.9 A person shall not be considered a property manager for purposes of the Act and is not required to possess a property manager's license to perform the following actions:

- (a) Delivering a lease application, a lease, or any amendment of a lease to any person;
- (b) Receiving a lease application, lease, or amendment of a lease; a security deposit; rent payment or any related payment for delivery to a property manager;
- (c) Showing a rental unit to any person;
- (d) Providing information about a rental unit, a lease, an application for a lease or the status of a security deposit, or the payment of rent to any person;
- (e) Assisting an owner or another person in the performance of property management functions by carrying out administrative or clerical tasks; or
- (f) Other actions which do not create or offer to create a contractual obligation on the person's employer.

2603.10 A person shall not be required to be licensed as a property manager if the person is licensed as a real estate broker or real estate salesperson pursuant to §§2601 and 2602 of this chapter.

SOURCE: Final Rulemaking published at 35 DCR 2242 (March 25, 1988).

2604 REGISTRATION AND CERTIFICATION OF RESIDENT MANAGER

2604.1 As used in the definition of "resident manager" in §3(13a) of the Act, D.C. Code §45-1922(13a) (1986 Repl. Vol.) the following terms shall have the following meanings:

- (a) **"Contiguous cluster of rental property"** - two (2) or more rental units located in the same building or in two (2) or more buildings located on lots that are adjacent to each other, in the same square or in one (1) or more adjacent squares, even if a public street, alley, park, or reservation physically separates the lots; and
- (b) **"On-site representative"** - a person who is accessible to a building on a regular schedule even if the person does not reside in the building.

2604.2 A resident manager may be employed directly by the owner of property, whether or not the owner is required to be licensed under the Act, Provided, that the owner complies with the registration and other requirements with respect to resident managers set forth in the Act and this section.

2604.3 To comply with §10(a) of the Act, D.C. Code §45-1929.1(b) (1986 Repl. Vol.), an employer of a resident manager shall do the following:

- (a) Submit a completed application on a prescribed form;
- (b) Have the application sworn to or affirmed by both the resident manager and the employer before a notary public; and
- (c) Pay the required application fee.

2604.4 An employer of a resident manager shall initially register each resident manager employed by such person by the later of the following:

- (a) The date of commencement of the employment of such resident manager by the employer; or
- (b) One hundred and twenty (120) days after the effective date of this section.

2604.5 It shall be the responsibility of the resident manager and the employer of the resident manager to notify the Commission in writing of any change in or termination of employment by the resident manager within fifteen (15) days of such change.

2604.6 A resident manager shall return his or her certificate of registration to the Commission within fifteen (15) days of change in or termination of employment.

SOURCE: Final Rulemaking published at 35 DCR 2244 (March 25, 1988), as amended by Final Rulemaking published at 36 DCR 191 (January 6, 1989).

2605 CONTINUING EDUCATION REQUIREMENTS FOR REAL ESTATE BROKERS AND SALESPERSONS

2605.1 Except as provided in §2605.2, this section shall apply to all applicants for the renewal, reinstatement, or reactivation of a real estate broker's or real estate salesperson's license for a term expiring on or after February 28, 1991.

2605.2 This section shall not apply to an applicant seeking the first renewal of a real estate broker's or real estate salesperson's license granted by examination, or an applicant

- other than one (1) on inactive status, who obtains a license during the second year of the two (2) year period preceding the date the license expires.
- 2605.3 A continuing education credit shall be valid only if it is part of a program or activity approved by the Commission in accordance with §2607.
- 2605.4 An applicant for renewal of a real estate broker's license or real estate salesperson's license shall submit proof pursuant to §2605.9 that the applicant completed no less than twelve (12) hours of acceptable continuing education credit during the two (2) period preceding the date the license expires, of which at least three (3) hours concerned equal opportunity in housing.
- 2605.5 An applicant for renewal of a real estate broker's license or real estate salesperson's license who also is applying to renew a property manager's license shall be considered to have satisfied the requirements for renewal of the property manager's license set forth in §2603.4 if the applicant demonstrates compliance with §2605.4.
- 2605.6 A license issued between January 1 and February 28 of an odd numbered year shall be valid from the date of issuance through the end of the two-year (2) licensing period commencing on March 1 of that year.
- 2605.7 To qualify for a license, an applicant on inactive status who submits an application to reactivate a license shall submit proof pursuant to §2605.10 of having completed six (6) hours of approved continuing education credit for each year after February 28, 1991 that the applicant was on inactive status. The continuing education hours submitted shall have been completed within four (4) years of the date of the application.
- 2605.8 A licensee on inactive status who applies to reactivate a license within one (1) year of the end of licensing period shall complete six (6) hours of acceptable continuing education credit during the licensing period.
- 2605.9 An applicant shall prove completion of required continuing education credits by submitting with the application a certification of completion which includes the following:
- (a) The name and address of the sponsor of the program;
 - (b) The name of the program and the names of the instructors;
 - (c) The dates on which the applicant attended the program;
 - (d) The hours of credit claimed; and
 - (e) Verification of completion by signature or stamp of the sponsor.
- 2605.10 An applicant for reinstatement of a suspended or revoked real estate broker's or real estate salesperson's license shall submit proof pursuant to §2605.9 that the applicant completed no less than six (6) hours of acceptable continuing education for each license year that the applicant's license was revoked or suspended, up to a maximum of thirty (30) hours.

- 2605.11 An applicant for renewal of a license who fails to submit proof of having completed continuing education requirements by the date the license expires may renew the license up to sixty (60) days after expiration by submitting this proof pursuant to §2605.9 and by paying the additional late fee.
- 2605.12 Upon submitting proof and paying the additional late fee, the applicant shall be deemed to have possessed a valid license during the period between the expiration of the license and the submission of the required documentation and payment of the late fee.
- 2605.13 If an applicant for renewal of a license fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of the applicant's license, the license shall be considered to have lapsed on the date of expiration.
- 2605.14 If a license lapses pursuant to §2605.13, the applicant shall reapply for licensure and complete the requirements set forth in §2601 or §2602.
- 2605.15 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause. For purposes of this section, "good cause" includes the following:
- (a) Serious and protracted illness of the applicant; and
 - (b) The death or serious and protracted illness of a member of the applicant's immediate family.

SOURCE: Final Rulemaking published at 36 DCR 192 (January 6, 1989).

2606 ACCREDITATION AND CERTIFICATION OF PRE-LICENSE EDUCATION PROGRAMS

- 2606.1 Applicants for accreditation or certification of educational programs shall submit a written application on a form acceptable to the Commission.
- 2606.2 The proper fees and all required documents shall accompany the application at the time of filing. Each application shall be sworn or affirmed before a notary public.
- 2606.3 Proposed programs shall be evaluated by standards at least equivalent to the program standards approved by the National Association of Real Estate License Law Officials (NARELLO).
- 2606.4 Each applicant who is denied accreditation or certification for reasons other than failing to meet equivalent (NARELLO) requirements shall be given an opportunity for an open hearing pursuant to chapter 27 of this title.

SOURCE: Final Rulemaking published at published at 31 DCR 757, 761 (February 24, 1984).

2607 APPROVED CONTINUING EDUCATION PROGRAMS

- 2607.1 The Commission, in its discretion, may approve continuing education programs that contribute to the growth in professional competence of a real estate broker, real

estate salesperson, or property manager, and that meet the other requirements of this section.

- 2607.2 All approved continuing education programs shall be available to all licensees regardless of broker affiliation.
- 2607.4 The Commission may approve the following types of continuing education programs, if the programs meet the requirements of §2607.6:
- (a) A seminar or workshop;
 - (b) An educational program given at a conference, institute, or academy; and
 - (c) An undergraduate or graduate course given at a college or university accredited by the Council on Postsecondary Accreditation or the Secretary of the United States Department of Education.
- 2607.5 A sponsor of a continuing education program shall submit a completed application to the Commission no less than sixty (60) days prior to the date of the presentation for each program for which approval is desired.
- 2607.6 A sponsor of a continuing education shall have the burden of verifying whether a program is approved by the Commission pursuant to this section prior to advertising such program as approved by the Commission.
- 2607.7 In order to be approved by the Commission for continuing education credit, a program shall meet the following requirements:
- (a) The program shall contribute to the professional competence of participants;
 - (b) The program shall be directly related to increasing the participants' knowledge and skills in the real estate profession;
 - (c) The stated program objectives shall specify the level of knowledge the participant should have attained, or the level of competency the participant should be able to demonstrate, upon completing the program;
 - (d) The program shall be developed by persons qualified in the subject matter and in instructional design;
 - (e) The program shall be instructed by an individual approved by the Commission;
 - (f) The program content shall be current in its subject matter; and
 - (g) The program shall include some means for evaluating quality.
- 2607.8 The Commission may approve programs with a minimum of one (1) instructional hour.
- 2607.9 Any significant changes in program content or program instructor shall be submitted to the Commission in writing no less than thirty (30) days prior to such change for Commission approval.

- 2607.10 Approval of a program by the Commission shall continue until the end of the two (2) year licensing period during which approval is given.
- 2607.11 A program sponsor shall issue a certificate of successful completion to a licensee who completes the program. A certificate shall not be issued to a licensee who fails to complete the entire program.
- 2607.12 Within ten (10) days after the completion of the continuing education program, the program sponsor shall forward to the Commission a list of all participants that includes the participant's license number and employing broker's name and address.
- 2607.13 A program sponsor shall retain records of the following information:
- (a) Outline of the program;
 - (b) Dates;
 - (c) Location;
 - (d) Instructors; and
 - (e) Number of instructional hours.
- 2607.14 A program sponsor shall retain a copy of the information required by §§2607.11 and 2607.12 for a period of not less than five (5) years.
- 2607.15 A sponsor of a program that has been approved by the Commission for one (1) license period shall reapply for approval at least sixty (60) days prior to the beginning of the next license renewal period.
- 2607.16 A program sponsor under §2607.14 shall complete a renewal application form and submit it to the Commission.

SOURCE: Final Rulemaking published at published at 31 DCR 757, 762 (February 24, 1984); as amended by Final Rulemaking published at 36 DCR 8684 (December 29, 1989).

2608 LICENSURE OF MORTGAGE BROKERS

- 2608.1 Except as provided in §2608.2, a mortgage broker who, for a fee, negotiates for another a loan secured by an encumbrance on real property shall be licensed as a real estate broker in accordance with §2601.
- 2608.2 Section 2608.1 shall not apply to the following:
- (a) A person or entity that negotiates and closes a loan in the mortgage broker's own name, even if the loan is subsequently assigned to another; or
 - (b) A person or entity that acts as a mortgage broker with respect to a loan closed in the name of a parent, subsidiary, or other affiliate of the person or entity.

SOURCE: Final Rulemaking published at 35 DCR 2246 (March 25, 1988).

2609 CODE OF ETHICS FOR REAL ESTATE BROKERS, REAL ESTATE SALESPERSONS, AND PROPERTY MANAGERS

- 2609.1 A licensee shall not discriminate or assist any party in discriminating in the sale, rental, leasing, exchange, or transfer of property to any person or group of persons because of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, family responsibilities, political affiliation, physical handicap, source of income, matriculation, or place of residence or business.
- 2609.2 A licensee who has information that would lead a reasonable person to believe that a real estate broker, real estate salesperson, or property manager has engaged in fraud, misrepresentation or unethical practices shall promptly report such information to the Commission in any investigation or proceeding concerning any conduct prohibited by the Act.
- 2609.3 The provisions of §2609.2 shall not require the reporting by a licensee acting as an officer, director, investigator, committee member, or hearing panel member of a trade association, a majority of the members of which is comprised of licensees, of such information obtained during the course of an investigation of, or hearing on, an arbitration or ethics complaint pursuant to a program established by the trade association.
- 2609.4 A real estate broker shall not advertise without disclosing the broker's name or the company's name as it appears on the license.
- 2609.5 A real estate broker shall not knowingly permit a real estate salesperson to use the salesperson's name in any advertisement without the name of the brokerage company with whom the salesperson is affiliated.
- 2609.6 A real estate salesperson shall not knowingly permit the use of the salesperson's name in any advertisement without the name of the brokerage company with whom the salesperson is affiliated.
- 2609.7 A licensee shall make a reasonable effort to ensure that all written agreements for the sale, purchase, rental, lease, or exchange of real property set forth the exact agreement of the parties and that copies of the agreements are made available to each party when the party signs the agreement.
- 2609.8 A licensee shall not prepare or be a party to the preparation of any written agreement for the sale, purchase, rental, lease, or exchange of real property which falsely recites the purchase price.
- 2609.9 A licensee shall make a reasonable effort to ascertain all material facts concerning each property for which an agency is accepted.
- 2609.10 A licensee shall make a reasonable effort to be informed about laws and rules, governmental policies, and current market conditions in order to advise a client properly.
- 2609.11 A licensee shall exercise fidelity and good faith to a client in all matters within the scope of the licensee's employment. The obligation of fidelity to the client's interest

does not relieve the licensee from any statutory or regulatory obligations toward the other parties to the transaction.

- 2609.12 A licensee shall not accept compensation from more than one (1) party to a transaction without the full knowledge and consent of the other party or parties.
- 2609.13 A licensee shall disclose in writing to all parties to a real estate transaction any ownership interest in the property that is the subject of the real estate transaction, which is held directly or indirectly by the licensee; an immediate member of the licensee's family, the licensee's firm, or a member of the licensee's firm.
- 2609.14 A licensee who manages property on behalf of the owner of the property shall not accept any commission, rebate, profit, or other valuable consideration on expenditures made for an owner without the owner's knowledge and consent.
- 2609.15 A licensee shall not render an appraisal of real property without making a careful physical inspection of the property.
- 2609.16 A licensee shall not render an appraisal or render an opinion of value on any property in which the licensee has a present interest without disclosing that interest to the client.
- 2609.17 A licensee shall not make an appraisal if the licensee's employment or fee is contingent upon the amount of the appraisal.
- 2609.18 A licensee shall not attempt to provide specialized professional services concerning a type of property or service that is outside the field of the licensee's experience, unless the licensee obtains the assistance of an expert, or discloses the licensee's lack of experience to the client.
- 2609.19 If an expert is engaged, the licensee shall identify the expert to the client and inform the client of the expert's contribution to the assignment.
- 2609.20 A licensee who has a listing with the owner of real property shall transmit to the owner all formal written offers received by the licensee, whether made by a prospective purchaser directly or through another licensee, unless the owner has accepted a previous offer.
- 2609.21 A licensee shall not attempt to contact the owner of real property directly for the purpose of inducing the owner to break a listing agreement when another licensee has a listing on the property.
- 2609.22 A licensee shall not place any signs on any property without the owner's written consent.
- 2609.23 In addition to complying with the requirements set forth in this section, a licensee shall comply with the requirements set forth in the Act and the rules issued pursuant to the Act.

SOURCE: Final Rulemaking published at 35 DCR 3574 (May 13, 1988), as amended by Final Rulemaking published at 36 DCR 2722 (April 21, 1989).

2610 - 2611 [RESERVED]**2612 INACTIVE STATUS**

- 2612.1 Upon application by a licensee and payment of the required fee, the Commission shall place a licensee on inactive status.
- 2612.2 While on inactive status, an individual shall not practice, attempt to practice, or offer to practice as a real estate broker, real estate salesperson, or property manager in the District. The individual shall pay the license fee required for active licensees but shall not be required to make payments to the Real Estate Guaranty Fund pursuant to D.C. Code §45-1948 (1986).
- 2612.3 Subject to §2612.4, a licensee may remain on inactive status for a period not to exceed four (4) consecutive years.
- 2612.4 Section 2613.3 shall not apply to an active employee of the government of the United States, the District, or other jurisdiction of the United States if the employee is required as a condition of his or her employment not to practice as a real estate broker, real estate salesperson, or property manager in the District. However, the employee shall pay the fee required by §2612.2.
- 2612.5 The Commission shall issue a license to an individual who is on inactive status and who desires to resume practice as a real estate broker, real estate salesperson, or property manager if the individual meets the following requirements:
- (a) Pays the required fee; and
 - (b) Demonstrates compliance with the continuing education requirements set forth in §2605.8.

SOURCE: Final Rulemaking published at 37 DCR 2674 (April 27, 1990).

2613 AGENCY DISCLOSURE

- 2613.1 After January 1, 1989, a real estate broker or real estate salesperson shall provide to a prospective purchaser of residential real estate who expresses an intent to reside in such real estate a notice, approved by the Commission, which clearly discloses the relationship of the broker or salesperson with the prospective purchaser and seller of the real estate.
- 2613.2 The notice required by §2613.1 shall be provided to a prospective purchaser not later than the time of the first personal meeting between the prospective purchaser and the broker or salesperson for the purpose of discussing a specific property, excluding a meeting during an open house.
- 2613.3 A broker or salesperson shall request a prospective purchaser to sign, date, and return a copy of the required notice to the broker or salesperson. If a prospective purchaser

declines to sign the notice, the broker or salesperson shall make a notation on the notice indicating the date that the notice was given to the prospective purchaser, that the prospective purchaser declined to sign it, and the reason therefor, if any, given by the prospective purchaser.

SOURCE: Final Rulemaking published at 35 DCR 7501 (October 14, 1988).

2699 DEFINITIONS

2699.1 As used in chapters 26 and 27, the following terms and phrases shall have the meanings ascribed:

Act - the District of Columbia Real Estate Licensure Act of 1982.

Associate Broker - any person licensed under the Act as a broker who is employed or affiliated with licensees but is not a partner, officer or principal broker.

Business Chance Broker - any person, firm, partnership, association, co-partnership, or corporation who for compensation or valuable consideration sells or offers for sale, buys, or offers to buy, leases or offers to lease, or negotiates the purchase or sale or exchange of a business, business opportunity, or the good will of a business for others.

Director - the Director of Department of Consumer and Regulatory Affairs.

District - the District of Columbia.

Fund - the Real Estate Guaranty and Education Fund.

Person - any individual, partnership, association, unincorporated business, firm, business trust, or corporation, whether foreign or domestic.

Property manager - an agent for the owner of real estate in all matters pertaining to the operation of the property or properties which are under his or her direction, who is paid a commission, fee or other valuable consideration for his or her services.

Real Estate - condominiums, leaseholds, time sharing, any other interest or nonfreehold, whether located in the District or elsewhere. For the purposes of the Act, the term also means any share or membership in a cooperative organized pursuant to the "District of Columbia Cooperative Association Act," approved June 19, 1940 (54 Stat. 480; D.C. Code §29-801 *et seq.* (1981), to engage in activities relating to real estate, even though the shares or membership may be considered to be securities or personal property for purposes of the Act.

Real Estate Broker - any person, firm, association, partnership, or corporation (foreign or domestic) who, for another and for a fee, commission, or other valuable consideration, or who, with the intention or in the expectation, or upon the promise of receiving or collecting a fee, commission or other valuable consideration, lists for sale, sells, exchanges, purchases, rents, leases or offers or attempts or agrees to negotiate a sale, exchange, purchase, lease, or rental of an estate or interest in real estate, or collects or offers or attempts or agrees to collect rent or income for the

use of real estate, or negotiates or offers or attempts to negotiate, a loan secured or to be secured by a mortgage, deed of trust, or other encumbrance upon or transfer of real estate, or who is engaged in the business of erecting homes or causing the creation of houses for sale on his, her or its land and who sells, offers, or attempts to sell those houses, or who, as owner or otherwise and as a whole or partial vocation, sells or through solicitation, advertising, or otherwise, offers or attempts to sell or negotiate the sale of any lot in any subdivision of land comprising five (5) lots or more; Provided, however, that this definition shall not apply to the sale of space for the advertising of real estate in any newspaper, magazine or other publication.

Real Estate Salesperson - a person affiliated with or employed by a licensed real estate broker to list for sale, sell, or offer for sale, to buy or offer to buy, or negotiate the purchase or sale, or exchange of real estate, or to negotiate a loan on real estate.

Resident Manager - a person responsible for the day-to-day management of a contiguous cluster of rental real estate who serves as principal onsite representative of the contracting property management firm or owner.

SOURCE: Final Rulemaking published at published at 31 DCR 757, 771 (February 24, 1984).

